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26 February-23 March 2018

Agenda item 4

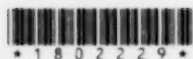
Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Attacks on Public Health Workers in the Syrian Arab Republic*

Introduction

What began as anti-government protests in Syria's capital, Damascus, in March 2011 has spiralled into a devastating civil war. Since the beginning of the war, an estimated 400,000 Syrians are reportedly dead or missing according to the United Nations and Arab League Envoy to Syria, over 5 million Syrians have fled the country and 12 million people are displaced internally. Over time, the conflict grew more and more complex with the involvement of the international community, Kurdish forces, terrorist organizations like ISIS and other opposition forces.

Public Health in Syria

Health is a fundamental human right. As stated in many resolutions including (A/HRC/RES/12/24) of the United Nations (UN), the right to optimal health is closely linked to the inherent dignity of every person. Regarding the Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, resolution (A/HRC/RES/12/24) states the following: *'The Human Rights Council (...) Recognizes that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.'*

Unfortunately, this right is not part of the reality for many. As the Syrian War enters its seventh winter, the consequences of this devastating war are far-reaching. According to the World Health Organization (WHO) 13 million are in need of humanitarian assistance while 5.6 million of these people face acute humanitarian needs. Throughout the continuous fighting of the groups on all sides of the conflict, there is a severe lack of the most basic needs. A shortage of electricity, fuel, clean and safe drinking water, and sanitation services, for example, have led to the outbreaks of preventable diseases such as typhoid, hepatitis and diarrhoeal diseases. Since the beginning of the conflict, over half of all health care facilities have been closed. Of the ones still open in 2017, the WHO reported that less than half are fully functional.

In 2013 and 2014 Syria faced a polio outbreak. Under normal circumstances, this disease is easily preventable. In order to stop the outbreak, the population immunity against the disease was raised through vaccination. The total number of reported infections in 2017 was limited in response to the campaign efforts to revitalize immunization services. According to the latest report of the WHO, issued on 16 January 2018, there have been no new cases reported.

Additionally, the alleged usage of chemical weapons by all sides of the conflict poses a threat to the health of the Syrian civilian population. Even though Syria did not sign the Chemical Weapons Convention, the country did ratify the 1925 Geneva Protocol. Moreover, the use of chemical weapons is a war crime, as declared in The Hague Declaration (IV, 2) of 1899 Concerning Asphyxiating Gasses, the 1925 Geneva Protocol, the Chemical Weapon Convention (CWC) and the Statute of the International Criminal Court (ICC). The first reported use of chemical weapons by the various fighting groups including ISIS as well as other opposition affiliated militias in the Syrian conflict was in 2012, but there is information that attests to its usage throughout the duration of the conflict.

Hundreds of thousands of civilians have suffered from conflict related injuries, 30 percent of whom are left with permanent disabilities. Many pregnant women are not receiving adequate care, which increased the already high numbers of maternal and infant mortality. Naturally, the groups suffering the most are those most vulnerable: girls, women in need of reproductive care, unvaccinated children, people with chronic diseases, the elderly, as well as, people in need of mental health and psychological support.

Restricted Access to the Besieged City of Ghouta

Ghouta, located in the south-west of Syria, is one of the last rebel strongholds. A siege by the government has led to severe shortages in medicine, food and other necessities. Currently, the city is still home to 400,000 civilians. In 2018 the death toll has risen dramatically due to bombardments, killing close to 200 people in January alone.

Only 26 percent of UN requested deliveries of humanitarian assistance to the besieged city have been approved even though it is clearly outlined in the Geneva Convention relative to the Protection of Civilian Persons in Time of War (IV) Art. 17, that the wounded and sick should be able to receive treatment by medical professionals at all times. Ghouta has been closed off to health workers and other medical professionals, and the people have not been able to receive adequate medication and medical treatment. Evacuation of some in need of medical treatment has been taking place, but most of the sick and wounded are left without treatment and medicine in the besieged city.

Attacks on Health Workers

According to the WHO, Syria is among the most dangerous countries for a health worker. Since the beginning of the conflict, 770 health care workers have been killed in Syria. During the same period, 147 humanitarian aid workers have been killed. Not only is this a grave loss of innocent lives, it also prohibits those in need of medical attention from receiving proper care. Attacks on health workers and medical personnel have occurred all over the country and have been carried out by all parties involved. In the Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Art. 24 states that medical personnel should be respected and protected under all circumstances and at all times.

Throughout the conflict, airstrikes on medical facilities have been reported. Strikes in November 2016 destroyed a children's hospital in Aleppo and in September 2017, for example, destroyed the hospitals in Idlib, including a maternity hospital in the town of al-Tah, rendering the medical facilities inoperable and killing numerous civilians.

Recommendations

We, NGOs Signatories to this statement recommend to the United Nations and its relevant bodies to:

- Urge all parties involved to respect and uphold International Humanitarian Law (IHL) and International Human Rights Law (IHRL) at all times;
- Call for the immediate protection of all medical personnel;
- Condemn violence by all parties involved against health workers and civilians, and call for an end to the escalation in fighting;
- Call for the immediate protection of those who are wounded, sick or in need of any medical attention, and urge all parties involved in the conflict to allow them to be treated with adequate care and under safe circumstances;
- Call for the safe evacuation of those in the besieged city of Ghouta, Syria;
- Urge all parties involved to halt the usage of chemical weapons.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.



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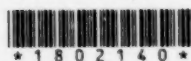
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

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Human Rights Violation in Myanmar and the current situation of the Rohingya

Since late August 2017 more than 680, 000 Rohingya have fled Myanmar in an attempt to escape the human rights violation and brutality of the military. The UN itself called the recent developments a 'textbook example of ethnic cleansing'. It is not the first time the Muslim minority is under attack in the predominantly Buddhist state of Myanmar, previous waves of assault and expulsion can be found throughout the last century. But the atrocities of the last months exceed the previous extent by far and underline the urgent need for the international community to act on behalf of the Rohingya.

According to *Doctors without Borders*, alone in the first thirty days after the crackdown an estimate of 6, 700 Rohingya were killed in the formally parliamentary democracy. As basis of legitimacy for the, in our eyes, disproportionate military actions served an attack by Rohingya insurgents on security posts near Rathedaung township on 25th August 2017. Since that day, more than 350 villages, where mostly Rohingya lived, have been burned down, personal property was destroyed, women were raped, men abused and children killed, forcing the residents to flee to the neighboring countries like Bangladesh, India, Thailand or Malaysia to escape the military violence in their home country Myanmar.

But besides this extreme abuse of power by the military, the general living conditions for the Rohingya in Myanmar - which probably triggered the insurgency in August - are precarious. The government recognizes 135 different ethnicities but the Rohingya are not included in them. They are politically and socially viewed as illegal immigrants from Bangladesh and only referred to as 'Bengalis'. Despite the fact that Rohingya families have lived in Myanmar for generations and even though there are supporting documents showing that the Rohingya have been living in Rakhine State since the 8th century, the state of Myanmar denies them citizenship. In consequence the Rohingya are stateless, stripped of their civil rights, the freedom to travel, to study, to marry or to bring children into the world without official permits. Rohingya, who had hoped that the end of the military dictatorship 2011 would change the institutional discrimination must have been deeply disappointed to watch the newly elected democratic leadership and the country's de facto leader Aung San Suu Kyi - not being able to set clear boundaries for the military - to continue with the oppression and human rights violations against their peers.

Many Rohingya who have fled and returned to Myanmar in the last decades now live in isolated townships or camps for *Internally Displaced People* (IDP) without being granted the same access to water, food and healthcare as the citizens of Myanmar enjoy. But today, around 900, 000 of the once 1.1 million Rohingya, who called the Rakhine state their home are now living as refugees under inhumane conditions in overcrowded camps in Bangladesh and have to deal on a daily basis with the fears and uncertainties that are connected with the shortages of clean water, food, sanitation, health care and education.

On 16th January 2018, the governments of Bangladesh and Myanmar reached an official agreement to repatriate the nearly 700, 000 Rohingya who sought protection in Bangladesh since October 2016. By looking at the terms agreed upon - 1, 500 people to return per week in two years - it becomes apparent that even from a purely mathematical standpoint the numbers do not add up and it would take at least nine years to complete the process. But even if the organizational conditions would be feasible, there are still enough other reasons to be deeply concerned about the repatriation plan. Foremost, the political and societal situation in Myanmar has not changed. The authorities have neither acknowledged the human rights violations and atrocities of the last year, nor has there been any sign of a policy reform concerning the recognition of the Rohingya as citizens of Myanmar and no assurance of a safe return and basic human and civil rights. On the one hand, the timeframe and quotas reveal Bangladesh's unwillingness to shelter the Rohingya for a longer period of time and on the other hint towards the assumption that this repatriation deal is primarily an attempt by Myanmar's government to appease and reassure the international society and the general public but not to solve the humanitarian crisis in the long run. Due to the nature of the agreement many Rohingya as well as human rights organizations fear a coerced return. But even if Rohingya wish to return to Myanmar voluntarily, the Myanmar authorities insist on the provision of evidence of past residence in Myanmar. This is a major issue and for most Rohingya an impossible obstacle to overcome because they have been deprived of their documents for years in the past or lost whatever they had during the arson attacks on their homes and during their escape.

Additionally, even though the current repatriation agreement envisions a possible involvement of the United Nations, the United Nations High Commissioner for Refugees (UNHCR) is up until now not involved in its implementation and is also not guaranteed access to potential returnees throughout the whole process. This fact should remind us that Myanmar refused to fully cooperate with an independent fact finding mission by the UN last year, that it is further denying aid agencies unhindered access as well as that it ended collaboration with United Nations Special Rapporteur on Myanmar Yanghee Lee. Moreover, the wrongful imprisonment of the two Reuter journalists Wa Lone, 31, and Kyaw Soe Oo, 27, last December, who were important contributors to an uncensored coverage of the situation in Myanmar, gives grounds for deep concerns about the respect of human rights by not only the seemingly uncontrollable military but also the state's political leaders.

Therefore, **Society for Threatened Peoples calls on the Human Rights Council** to urgently ask the Myanmar government and all departments concerned to pause the repatriation process at a time when still 70 to 120 Rohingya flee from their home country to the neighboring states and to only continue with the repatriation plan if and **when the following conditions are met:**

- The involvement of the UNHCR in the whole process of repatriation must be guaranteed
- Repatriation must be completely voluntary and the physical safety of returnees has to be guaranteed
- The Myanmar government needs to recognize the Rohingya as one of the official ethnicities in Myanmar and grant them full citizenship ensuring them the ensuing rights and freedoms without further discrimination and oppression as well as abolish the Myanmar Citizenship Law of 1982
- The Rohingya need to be allowed to have representatives who are going to be involved in the repatriation process
- The state of Myanmar must create demilitarized UN safe zones in the Rakhine State to ensure safety and dignity for the returnees
- The Myanmar government must compensate all material losses of the Rohingya which were caused by the military attacks, all lands and properties have to be given back to them as well as there needs to be a clear confirmation from the Myanmar government to rebuild the villages destroyed
- The Myanmar government has to provide unhindered access for humanitarian aid agencies to all parts of the Rakhine state

Furthermore, the Society for Threatened Peoples also calls on the Human Rights Council:

- To urge the Myanmar government to resume its cooperation with the UN and its special rapporteur Yanghee Lee
- To press the Myanmar government to release the journalists Wa Lone and Kyaw Soe Oo
- To encourage political and economic sanctions
- by its member states to raise the pressure on the Myanmar government
- To engage in a full criminal prosecution of the human rights violations in Myanmar.



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GE.18-02141(E)



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Please recycle



The United Nations and the United Nations Interim Administration Mission in Kosovo must acknowledge their responsibility and individually compensate the Roma, Ashkali and Balkan Egyptians who were housed in toxic refugee camps in North Mitrovica/Mitrovicë (Kosovo) between 1999 and 2013

The United Nations (UN) still refuses to pay compensation to members of the ethnic minority community of Kosovar Roma, Ashkali and Egyptians for the suffering that was caused to them, despite the recommendations of the Human Rights Advisory Panel to the United Nations Interim Administration Mission in Kosovo (UNMIK).

Following the NATO intervention in Kosovo in 1999, several hundred Roma, Ashkali and Egyptians were housed in five lead-contaminated refugee camps in North Mitrovica/Mitrovicë (Žitkoc/Žitkovac, Cesminlukë/Česmin Lug, Kablare and Leposaviq/Leposavić and later "Osterode").

Members of the Roma communities, among them a large number of children, fell ill as a result of the high concentrations of lead in the camps. Medical reports document a wide range of problems including paralysis, meningitis (encephalitis), kidney disease, weakened immune systems, anaemia, weight loss, behavioural disorders, high blood pressure, breathing difficulties, muscle weakness, headaches, etc. The Roma refugees [OPB: "The former displaced persons"?] struggle to cope with the long-term consequences. They also believe that lead poisoning has been the cause of a number of deaths.

When their complaint was submitted to the Human Rights Advisory Panel in 2008, approximately half of the 192 complainants were children. More than 75 were women and girls, at least 13 of whom had given birth to children in the contaminated camps, on whose behalf they also submitted complaints.

In its 79-page Opinion, delivered on 26 February 2016 (N. M. and Others v. UNMIK, Case No. 26/08, Opinion 26 February 2016), the Panel found that the UN had failed in its duty to safeguard the rights of the Roma families and had been negligent in its treatment of them. The Opinion says that UNMIK had violated the rights of the Roma IDPs under a number of international conventions and discriminated against them. It recommended that the UNMIK should pay adequate compensation to the complainants for the damage caused them as a result of UNMIK's violation of applicable human rights standards by allowing them to be exposed to adverse health conditions in the lead-contaminated camps" and make a public apology to them and their families.

The UN's response, in June 2017, was to announce that it proposed to establish a Trust Fund to assist the Roma communities in North Mitrovica/Mitrovicë, South Mitrovica/Mitrovicë and Leposavić. This Fund would provide community-based health care services and economic support for families living in the area concerned, together with infrastructural improvements benefitting the Roma, Ashkali and Egyptian communities "more broadly".

In the opinion of our human rights organisation this proposal is a superficial solution that is intended to avoid having to pay the Roma victims of lead poisoning due compensation. It is indeed disturbing to learn that although according to the UN a funding appeal to Member States was launched in July 2017, no contributions had been received by the beginning of 2018.

We believe that humanitarian relief should not be considered a substitute for justice and indemnification. This belief has been reinforced by the results of a recent survey conducted by our human rights organisation in order to document the current health status of former residents of the camps for internally-displaced persons in North Mitrovica/Mitrovicë. The survey's findings have confirmed that individuals who had lived in the camps have high blood lead concentration levels and may already have suffered long-term harm.

The survey conducted by STP / GfbV clearly showed that in addition to their very poor economic and social circumstances, health care provision for the Roma, Ashkali and Egyptians has not improved since they left the refugee camps. This was confirmed by a Human Rights Watch report published in September 2017.

A number of the individuals interviewed by us even said that they had been better off in the refugee camps than they were today. Such depressing observations reflect the failure of the government of Kosovo and that of the international community and the United Nations, who should have sought to secure better living conditions for the Roma, Ashkali and Egyptians than the depressing reality, above all by seeking to safeguard their minority rights and end discrimination by the authorities and by the wider society. Part of that involves the payment of adequate individual compensation to the victims of lead poisoning and a belated public apology to them from the UN.

Society for Threatened Peoples calls on the UN Human Rights Council,

- to appeal to UN Secretary-General António Guterres and the UN Office of Legal Affairs urgently to implement the recommendations of the UN Human Rights Advisory Panel, that the Kosovo Roma, Ashkali and Egyptian families forced to live in lead-contaminated camps for internally displaced persons in North Mitrovica/Mitrovicë (Zhitkoc/Žitkovac, Cesminlukë/Česmin Lug, Kablare, Leposaviq/Leposavić and later "Osterode") between 1999 and 2013 should be paid adequate individual financial compensation without further delay;
- that the UN and UNMIK should acknowledge publicly the appalling health status of these people, attributable to lead contamination in the refugee camp, and the harm suffered by the complainants in consequence, and that the UN and UNMIK should apologise publicly to the complainants and their families;
- that the UN should guarantee all the persons concerned adequate humanitarian assistance and medical treatment by a team of specialist international physicians, with specialist treatment provided for the children in particular;
- that the Roma families are consulted before any proposed projects are implemented and that projects are implemented in such a way as to take full account of the health consequences of lead poisoning.

Our human rights organisation believes that, if the UN is concerned to mitigate the shame of having failed to carry out its mandate to protect the displaced persons, it needs to acknowledge its responsibility for their health and lives.



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Saudi-led Coalition inhibits Yemenis' right to self-determination

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express dismay over ongoing systematic rights violations in Yemen. These violations stem from the impeding of the Yemeni people's right to self-determination by the Saudi-led coalition's (the Coalition) use of unlawful unilateral coercive measures,¹ specifically, a war launched without a United Nations (U.N.) mandate that involves the imposition of a comprehensive and indiscriminate land, air, and sea blockade as well as daily airstrikes on civilians and civilian infrastructure under the cover of U.N. Security Council (U.N.S.C.) Resolutions 2140 and 2216, which do not actually empower the coalition to take military action.

Based on the Vienna Declaration all people have the right to self-determination so that they can administer their own affairs and determine their own political, economic, social and cultural system without external interference or control whether by the intervention of another state's military forces or through the use of mercenaries under its control or influence. Exercising this right, the Yemeni people, were making progress towards completing negotiations regarding a political solution that would govern their affairs in the post-Saleh transition period. During the deliberations and negotiations, the Coalition announced that it would begin conducting military operations in Yemen. According to the former U.N. Special Envoy to Yemen, Jamal Benomar, "when this campaign started, one thing that was significant but went unnoticed is that the Yemenis were close to a deal that would institute power-sharing with all sides, including the Houthis."²

The Coalition justifies its military intervention in Yemen as a measure to restore Transitional President Abdrabbu Mansour Hadi³ (Hadi) to power after he was driven out by the Yemeni Army and Popular Committees led by the Ansar Allah - GPC alliance. For this, the Coalition relies on an official request submitted to the U.N.S.C. on 24 March 2015 by Khaled Alyemany, the Permanent Representative of Yemen to the U.N. Alyemany transmitted a letter from Hadi informing the President of the Security Council that "he has requested from the Cooperation Council for the Arab States of the Gulf and the League of Arab States to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis."⁴ The Coalition also points to the adoption of U.N.S.C. Resolution 2216 to lend further support to the claim that the airstrikes and blockade imposed by the Coalition on Yemen is legitimate. However, despite these claims, the Coalition's military actions have led to widespread human rights abuses and a humanitarian crisis and famine that have helped destroy government and civic institutions and infrastructure sharply degrade and grossly violate Yemenis' right to self-determination. To the contrary, it has made it more difficult for Yemenis' to safely exercise their right to self-determination.

Restoring the Government of Transitional President Hadi and Ensuing Rights Violations, Abuses and Crimes

In its attempt to restore Hadi to his office from de facto exile after his mandate expired, during the first 1,000 days of the military operations, the Coalition has violated Yemenis' right to self-determination while committing widespread human rights abuses including:

¹ Lift blockade of Yemen to stop "catastrophe" of millions facing starvation, says UN expert, OHCHR, 12 April 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21496&LangID=E>

² United Nations Press Conference, Jamal Benomar, 27 April 2015, <http://webtv.un.org/watch/jamal-benomar-special-adviser-to-the-secretary-general-on-yemen-security-council-media-stakeout-27-april-2015/4199486038001>

³ Ansar Allah is the official name and is otherwise commonly referred to as "Houthis."

⁴ Official Text of United Nations Security Council Resolution 2216, [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2216\(2015\)&referer=/english/&Lang=E](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2216(2015)&referer=/english/&Lang=E)

- 1 **Right to Life:** While airstrikes resulted in over 50,000 civilians killed and wounded, the Coalition's blockade has caused millions to suffer. According to Yemen's Ministry of Public Health and Population, over 10,000 civilians have died because they could not get medical treatment abroad due to the Coalition's ban on flights to and from Sanaa International Airport.⁵ Children, pregnant women and people with chronic health conditions are among those most vulnerable because they face the "triple threat" of conflict, famine and cholera.
- 2 **Rights of Child:** Over 5,000 children casualties have occurred due to the Coalition's indiscriminate airstrikes.⁶ Out of about 2.9 million people who require acute malnutrition treatment, 1.8 million are children and 1.1 million are pregnant, lactating women.⁷ Children are dying at a rate of one every ten minutes.⁸ This amounts to over 63,000 child deaths in 2016 alone due to preventable causes according to UNICEF.⁹ According to Save the Children, another 50,000 child deaths are estimated in 2017.¹⁰ This is due in large part to the blockade on food, medicine and fuel supplies.
- 3 **Right to Food:** While airstrikes targeted 300 factories, 593 markets, 692 food storage facilities, 548 food trucks, 245 poultry/cattle farms and 2,256 agricultural fields¹¹ (many littered with cluster munitions), the blockade prevents food from entering Yemen's ports leading to a situation where "17.8 million people in Yemen are food insecure. Out of this, approximately 8.4 million people are severely food insecure and at risk of starvation - an increase of 24 percent. The conflict has destroyed people's livelihoods and reduced their purchasing power, making it difficult for many Yemenis to meet minimal food needs."¹²
- 4 **Right to Health:** 301 healthcare facilities have been targeted by Coalition airstrikes.¹³ The blockade prevents food, medicine and fuel from entering Yemen's ports.¹⁴ Together, they have resulted in the lack of proper functioning of 50 percent of the facilities, leaving 16.4 million people without access to healthcare.¹⁵
- 5 **Right to Education:** Coalition airstrikes have targeted 827 schools¹⁶ while the lack of salary payments to public sector employees - ever since the Central Bank of Yemen (CBY) was placed under the control of the Coalition-backed Hadi government - has affected two-thirds of teachers and an estimated 4.5 million children who have not been able to resume their education with the start of the school year in October 2017.¹⁷
- 6 **Economic Rights:** In addition to the mass suffering caused by these measures, Yemen's economy has been devastated. According to the Damage and Needs Assessment of the International Labor Organization, Yemen's

5 Yemen airport closure killed more people than airstrikes, Norwegian Refugee Council, 9 August 2017,

<https://www.nrc.no/news/2017/august/yemen-airport-closure-killed-more-people-than-airstrikes>

6 <https://twitter.com/LCRDye/status/943092163365277697>

7 Key Messages on Cholera, United Nations, 23 July 2017

https://docs.unocha.org/sites/dms/Yemen%20Key%20Messages%20on%20cholera_23July2017.pdf

8 <https://twitter.com/OCHAYemen/status/810476064099233793?lang=en>

9 <https://twitter.com/UNICEFmedia/status/829676324889489409>

10 YEMEN: Hunger & disease could kill at least 50,000 children this year, more if the aid blockade continues, 15

November 2017, <https://www.savethechildren.org.uk/news/media-centre/press-releases/yemen--hunger---disease-could-kill-at-least-50-000-children-this>

11 <https://twitter.com/LCRDye/status/943092163365277697>

12 2018 Humanitarian Needs Overview, <https://reliefweb.int/report/yemen/yemen-2018-humanitarian-needs-overview-enar>

13 <https://twitter.com/LCRDye/status/943092163365277697>

14 See complaints on health rights violations submitted to U.N. Special Procedures at <http://arwarights.org/health-violations>

15 2018 Humanitarian Needs Overview, <https://reliefweb.int/report/yemen/yemen-2018-humanitarian-needs-overview-enar>

16 <https://twitter.com/LCRDye/status/943092163365277697>; see also <http://arwarights.org/education-violations>

17 2018 Humanitarian Needs Overview, <https://reliefweb.int/report/yemen/yemen-2018-humanitarian-needs-overview-enar>

Gross Domestic Product has declined precipitously, as has the level of employment in governorates that suffer daily bombardment.¹⁸ Because of the significant damage to Yemen's education, health, agriculture and services sectors, the damage to the country will take years to repair. Compounding the dire economic situation, the Coalition-backed Hadi government's decision to move the CBY to Aden has resulted in the non-payment of monthly salaries to about 1.5 million public sector employees since September 2016. Despite the Hadi government's assurances to the international community that it would undertake all obligations of the CBY, it has not done so for over fifteen months, leaving over a million employees without pay. Because each public sector employee has an average of five dependents, the non-payment of salaries for 15 months has directly impoverished about 7.5 million people. This has negatively impacted economic activity further, impoverishing merchants, their employees, and their families.¹⁹

7. **Cultural Rights:** Coalition airstrikes have targeted several sites designated as World Heritage Sites by UNESCO, including the Old City in Sanaa. The airstrikes have totally destroyed or partially damaged over 27 heritage sites in Yemen,²⁰ and there are increasing reports regarding violations of cultural rights in Coalition-occupied Socotra.

Recommendations

The Coalition's unilateral coercive measures – the airstrikes on hospitals and schools, blockade of ports, restrictions on medicine and food, destruction of civic and government institutions and infrastructure – has devastated Yemen. As long as these measures remain in place and the Coalition's attacks continue, Yemenis will not be able to safely and sustainably pursue self-determination. At the 37th Session of the Human Rights Council, IDO together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, urge U.N. Member States to work towards ending the war and facilitating Yemeni-Yemeni dialogue while supporting the group of eminent experts in order to ensure accountability for human rights violations, abuses and crimes committed in Yemen.

¹⁸ Yemen Damage and Needs Assessment, Crisis Impact on Employment and Labour Market, International Labour Organization, January 2016, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_501929.pdf

¹⁹ For more information on the effects of the CBY move to Aden please see <http://arwarights.org/right-to-food-violations>

²⁰ <http://arwarights.org/heritage>



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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination, the Arab Organization for Human Rights
and IUS PRIMI VIRI International Association, non-
governmental organizations in special consultative status,
and International Educational Development, Inc. and World
Peace Council, non-governmental organizations on the roster**

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Children and Armed Conflict in Iraq*

Introduction

The conflict in Iraq is one of the largest conflicts ever with a direct influence on the population. The so-called 'war on terror' is conducted in indiscriminate and brutal ways, resulting in excessive suffering by the population. The imperative of the Iraqi government, supported by the pro-governmental militias and international coalitions, worsens the situation on the ground by allowing security forces and militias to commit brutal abuses. Consequently, the human rights situation in Iraq has been dramatically aggravated over the past few years. As always, civilians are overly affected by the conflict. Moreover, in Iraq children have a lot to endure.

Indiscriminate bombardments and attacks on civilian-inhabited areas, hospitals and schools have a direct impact on children that hinders their development. Children are forced to endure countless burdens such as – but not limited too –; child labor, undernourishment, lack of access to clean water, lack of education, children getting separated from their families or have become orphans, abduction and forced recruitment for combat.

The goal of this written statement is to address the impact of war on children in general and to indicate the specific issue of children in (training for) armed combat. The focus lays on the situation in Iraq; however, children living in areas of armed conflict are most likely affected by the same problems.

The impact of war on terrorism on children

Supported by the United States of America-led coalition, the Iraqi security forces are fighting ISIS in Iraq. This 'war on terrorism' is fought in an indiscriminate way, which results in a complete destruction of the country and losses of thousands of innocent civilians.

The careless ways in which both Fallujah and Mosul were 'liberated' led to a total demolition of both cities and the loss of too many innocent Iraqi civilians, who were indiscriminately killed. The types of weapons used in the operations in Fallujah and Mosul were clearly disproportionate in terms of use, methodology and scale. For instance, the United States of America-led coalition air forces conducted over 2000 airstrikes over Mosul, even though the city was still inhabited by many civilians because the Prime Minister asked inhabitants not to leave the city. As a result of bombardment of this caliber many houses were destroyed, which left thousands of civilians and orphan children without a home.

The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, stated on the 11th of July 2017 that ISIL was responsible for serious and systematic violations of international humanitarian law and gross abuses and violations of human rights and that these acts have left deep scars on Iraqi society. In addition, it should be noted that further grave and systematic violations, also affecting children, have been committed by the International Coalition, led by the United States, and the Iraqi forces including heinous crimes committed by Al-Hashd Al-Sha'bi militias.

The children who survive these kinds of horrible events will indeed be scared for life. The city they once knew exists no longer. Many of the children who fled the violence are severely distressed and need care to help them cope with the trauma they have experienced. Survivors lack the most basic essential requirements for their bare humanitarian needs and have limited shelter, which the Iraqi government is obliged to provide. Moreover, sanitary and health conditions in the available shelters are terribly poor. Children who did survive these attacks can no longer enjoy education, because

their schools are destroyed. These children, who are not attending school, would be harder to protect from abduction, recruitment into militias and sexual and economic exploitation.¹

Children are not receiving the needed care from the various governmental institutions, even though they are obliged to provide these rescue responses. It becomes more than clear that the international mechanisms to prevent children from being affected and involved in fighting have failed. An effort must be made to ensure safety and respect of the main international legal standards in place, ratified by the Republic of Iraq, to protect children.

Children in armed training

It is well known that ISIS does not hesitate to put children into combat roles. Children who are not used as child soldiers by ISIS are also likely to witness traumatizing events, getting tortured, or even killed. The international community is appalled by these grave violations and strongly condemns abuses committed by ISIS, which should be investigated to hold accountable the perpetrators of such crimes.

On the other hand, similar and ongoing cases of recruitment to train children for armed combat by Iraqi forces are occurring too. The Popular Mobilization Forces (PMF) was included on the list, assembled by the Secretary-General, of parties that commit grave violations affecting children in situations of armed conflict.² The list indicates that the PMF recruit children for combat. This list fails to describe how the PMF have used torturing techniques in order to gain information from children and make them fight during combat. Furthermore, it is striking that the PMF were indicated as non-state actors, while in fact these forces are recognized by the Iraqi authorities as a legal and separate military corps.

Even political parties in Iraq are involved in the recruitment of children for combat and training camps. The Islamic Supreme Council of Iraq (ISCI) is one of the leading parties in the country, with thirty-one members in the parliament and four ministers in the government. This political party advertised camps to train young children for armed combat, knowing that the government they are part of has obligations under international law to protect children against armed conflicts. These recruitments count as grave violations of the country's obligations under international law.

The ISCI has set up a training camp for children in the Imam Ali Stadium in Najaf province to teach them how to use light and medium weapons. The ISCI recruits children for military training by publicly advertising to join these camps in the streets and inviting children to register their names. The pro-governmental militias are even coercing some families to send their children to the training camps to be ready for combat. Since 2014 these armed groups have been recruiting hundreds of children while enjoying total impunity.

Fearing for repercussions at the hands of the militias associated to the ISCI, parents cannot prevent their children from joining the trainings. Due to the subtle coercion imposed on the parents and the inability of children to realize the gravity and the consequences of the situation, the training advertised by the ISCI may amount to forcible recruitment for combat. Children as young as eight-year-old are recruited. Forcing young children to undergo military training inevitably has a devastating effect both on them and on the society at large.

Children who are exposed to traumatizing events occurring during armed conflict are often unable to erase memories of these experiences. Simply witnessing warfare can make a profound impact on a child's mental well-being, and this effect is amplified when the child is a target of torture, or when he or she is forced to participate in (training for) combat. As with any society, the future of Iraq rests on the shoulders of its youth. It is therefore of the utmost importance that Iraqi children are protected from armed battle and active combat. Counterintuitively, political parties

¹ UN OCHA, 'Children are not a target', <https://www.unocha.org/story/children-are-notatarget>.

² Report of the Secretary-General, 'Children in armed conflict', A/72/236 – S.2017/821.

represented in the seated Iraqi government endorse and organize combat trainings involving children. This same government, and the parties representing the state body, should instead stand actively and vehemently against youth participation in warfare.

The violations and abuses committed by other parties, such as the so called Popular Mobilization Forces and Islamic Supreme Council of Iraq should be investigated as well.

Intervention is urgently needed by the U.N., as well as, effective investigative measures to strengthen and improve the response of the international community to prosecute the people responsible for these horrible crimes.

Recommendations

We, NGOs signatories to this statement recommend to the United Nations and all its relevant bodies to:

- Ensure the promotion and protection of the rights of children, in full compliance with international legal standards and to exert the necessary pressure on Member States and opposition groups to take immediate action to stop current violations
- Call on Member States to prosecute perpetrators of violations against children, to set up specific child protection provisions, and to allocate the adequate resources to reintegrate children, with a specific attention for psychological support
- Call on all parties to the conflict to ensure the protection of civilians, and to avoid indiscriminate attacks against civilian facilities
- Urge the Iraqi government to immediately halt the affiliation of children with terrorist militia groups and stop all forms of participation of children in armed conflict
- Urge the UN Office in Iraq to investigate the recruitment of children for training camps organized by the various parties to the conflict.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGO(s) without consultative status, also share the views expressed in this statement.



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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

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GE.18-02142(E)



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Human rights situation in Morocco's Rif Region

In October 2016 the biggest protest movement in Morocco since Arab Spring erupted after a fish merchant was crushed to death in a garbage truck as he tried to retrieve the fish confiscated by policemen for being caught out of season. The tragic event has happened in the city of al-Hoceima in Northern Morocco. In the days after the death of the merchant, furious protesters in the often neglected nearby mountainous Rif region have founded the Hirak al-Rif movement.

The Rif has seen a history of repression and neglect. The region, which is mostly inhabited by non-arabic indigenous Amazigh people, has suffered since decades from strong unemployment rates particularly among young people. The expansion of illegal narcotic production and its criminalization has led to more emigration to Europe. The brutal crushing of a popular uprising in the Rif in the year 1958 has created a feeling of injustice and has led to a distrust of the state among the inhabitants of the mountain range. This difficult relationship with the authorities has caused more neglect and the denial of development by Moroccan authorities.

Many migrants from Rif, now living in Europe, have been supportive to the Hirak movement. But in their fight against widespread corruption and neglect, the protesters also raised much support in other bigger cities in Morocco. The authorities were not successful in trying to present Hirak as a movement mostly supported by funds from people in abroad. Many Amazigh flags in public protests have documented the strong local support of the protest movement.

From the beginning of the protests, Hirak has drafted a list of demands, including the demilitarization of the region, the right to a fair trial, more infrastructure development, investment and the construction of a hospital and a university. These social and political demands gained much support among the local population, which especially has appreciated the massive criticism of corruption expressed by Hirak.

In May 2017, the deliberate arrest of the Hirak leaders and many protesters dealt a blow to the protest movement, which had been quite successful since October 2016 but was mostly contained to the Rif region. Only 41 arrested protesters have been granted a royal pardon in the summer of 2017.

At least 400 arrested protesters or Hirak-supporters still are awaiting their trials. The Hirak-leader Nasser Zefzafi remains in prison and had been put on trial with 53 other activists. They are facing long imprisonments because they are accused of undermining state security, murder and promoting looting by their public protests. On December 11, 2017, a young protester has been condemned to 12 years imprisonment, 20 other activists were sentenced to prison terms between two and three years. On December 18, 2017, six other activists have got prison terms between two and four years.

The protesters are treated as criminals or terrorists, the excessive and deliberate prison terms are not reflecting that they only were committed to use their freedom of opinion to raise criticism against corruption and neglect and to push for social reforms.

By all means Moroccan authorities have tried to intimidate national and international journalists in order to restrict reporting on the protest movement and its activities. Journalists have been arrested or deported to abroad to limit the media coverage on Hirak.

Society for Threatened Peoples calls on the Human Rights Council to urge the Moroccan Government:

- to immediately release all Hirak activists or supporters from custody and to stop the criminal investigations against them,
- to ensure freedom of assembly, opinion and press in the Rif region,

- to start discussions with the Hirak leadership on a peaceful solution of the conflict and on the implementation of their demands.
-



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Human Rights situation in the Democratic People's Republic of Korea

All basic civil liberties and freedom rights as the freedom of religion, expression, assembly and association massively are restricted in North Korea. Systematically the freedom of movement has been denied to its citizens. Even the possession of a mobile phone with access to the Chinese telecommunications system strongly is prohibited and will be punished by harsh prison sentences. Furthermore Chinese cellphone services regularly are jammed to prevent any contacts with relatives or friends in abroad. The country remains one of the most brutal and repressive states in the world, where even communication with relatives becomes a crime.

Despite the desperate human rights record North Korean authorities not are committed to cooperate with the UN human rights system or its institutions. We are very much concerned about the lack of commitment of North Korean authorities to sign and respect international human rights conventions. Unfortunately the Government of North Korea seems to have no political will to accept and implement recommendations of UN human rights institutions. The UN Security Council several times has discussed the egregious human rights situation and has called to develop a strategy in order to end impunity for crimes against humanity in North Korea.

North Korea has strengthened the control of its frontiers to prevent citizens from leaving the country without permission. CCTV cameras are supervising the barbed wire fences to neighboring China and the number of border guards has increased. Due to the enhanced control the number of defections to South Korea recorded in the year 2017 was 1.127. The figure is 20 percent down from the year 2016, when 1.418 defections were registered by South Korean authorities. The majority of defectors are women. Most of these refugees finally are settling down in South Korea. Women constantly are threatened by gender-based violence, discrimination and sexual exploitation.

Especially in detention by security forces women are experiencing sexual abuses, rape or torture. We are deeply concerned about the fate of North Korean defectors searching for protection in neighboring People's Republic of China. In the year 2017 China has increased the arrest and repatriation of North Koreans trying to escape massive human rights violations and poverty at home. In November 2017 a group of 10 defectors has been deported by China to North Korea. They had been arrested as they attempted to leave North Korea a month before. During July and August 2017 alone, some 41 North Koreans were arrested in China in comparison to 51 arrests in the whole year of 2016. Furthermore several local guides and supporters of the defectors have been imprisoned in China. The arrested North Korean citizens routinely are deported to North Korea because they are designated by Chinese authorities as illegal "economic migrants". Many of those deported refugees are facing detention and prison camps back home.

As a state party to the UN Refugee Convention and its accompanying 1967 Protocol, China has the obligation not to return defectors to North Korea because they are facing persecution, torture and inhumane treatment after deportation.

Society for Threatened Peoples calls on the UN Human Rights Council:

- to address and condemn the massive massive human rights violations and crimes against humanity in North Korea,
- to urge all UN member states to focus on human rights in their bilateral relations with North Korea,
- to raise more awareness internationally on the desperate human rights record in North Korea,
- to urge all states to ensure protection for North Korean defectors and their supporters.



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Human Rights situation in the Central African Republic

The human rights crisis that Central African Republic (CAR) has seen since the year 2012 persisted in 2017/18. Due to violence by armed militias, more than one in four citizens is either internally displaced or a refugee. Since the first quarter of the year 2017 the number of internally displaced people has increased by more than 70 percent. In the year 2017 some 180.000 people in CAR became displaced. Since December 29, 2017, some 75.000 inhabitants of villages in the Paoua region have left their villages in North-Western CAR due to intense fighting between militias and have searched for protection in the city of Paoua or in neighboring Chad. Due to the insecure situation many aid agencies in the area had to stop their humanitarian programs.

Despite the peaceful democratic transition in the year 2016 and the continued presence of MINUSCA there is no effective protection of the civilian population especially in rural areas. But even in the capital Bangui ethnic and religious conflicts are causing insecurity and violence. Religious or ethnic minority people massively are suffering from indiscriminate attacks by armed groups trying to abuse religion or ethnic identity to enhance their influence and control of infrastructure and rich mineral deposits. Some 70 percent of the territory is controlled by various armed groups and not by state security forces. The MINUSCA has to improve its performance on protecting civilians and on rapid deployment in cases of violent conflict due to the restricted number of staff and the geographical dimensions of its deployment in CAR.

The increase of its capacity by 900 soldiers and the renewal of its mandate have been positive steps in order to improve the record of the peacekeeping force. But the deficiencies of the mission have to be addressed, a more effective protection of the civilian population must be ensured. Especially women and girls among internal displaced people and refugees are at risk of gender-based violence. Rape and sex slavery have been used by armed groups as tactics of war. But even regarding MINUSCA staff, allegations of sexual abuse have been raised. These accusations must be addressed and those responsible must be held to account.

The disastrous security situation and the lack of protection of the civilian population have a massive impact on the humanitarian situation. Some 2.5 million people, more than half of the population today is in desperate need of humanitarian assistance. Despite several international donor meetings, sufficient funding for humanitarian activities is lacking. Our human rights organization is deeply concerned about an increasing underfunding of humanitarian relief for CAR's civilian population. The basic humanitarian needs of the civilian population today are covered only by 35 percent. The lack of funding will result in a reduction of humanitarian operations and will lead to more displacement of civilians.

Humanitarian relief efforts have been suffering from increasing attacks on humanitarian workers. In the year 2017 some 13 staff members of aid agencies have been killed due to political violence. More than 200 security incidents involving humanitarian workers have been registered last year.

One of the main factors preventing security and effective peacebuilding is the massive influence of non-state armed groups. The increasing influence of some 12 armed groups deliberately terrorizing the civilian population has been perceived as a major threat to stability and recovery of the country. Unfortunately MINUSCA and state security forces have failed to effectively disarm the militias. Many initiatives to collect arms have been announced by the authorities, but most of these programs have not been implemented properly.

Society for Threatened Peoples is calling upon the Human Rights Council to urge

- all conflict parties in CAR to end armed conflict and to disarm,
- CAR Government to ensure a better and more effective protection of the civilian population,
- CAR Government to ensure the protection of religious and ethnic minorities.



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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by the International Youth and Student Movement for the United Nations, a non- governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby
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Recognizing and Combating Afrophobia*

Recognizing and Combating Afrophobia

The International Decade for People of African Descent which has been declared by the UN General Assembly for the period 2015-2024 represent an important achievement in the process of implementing the Durban Declaration and Programme of Action. The International Decade must be used effectively to combat racism against people of African Descent in every respect in the spirit of "Recognition, Justice, Development". At every stage of implementing the Programme of Activities of the Decade it must be stressed that the full and effective implementation of the DDPA is an indispensable and integral part of the realization of the Decade. All attempts to erase the full and effective implementation of the DDPA from programmes to implement the Decade must be strongly rejected.

It should be noted that the Programme of activities for the implementation of the International Decade adopted by consensus by the General Assembly in its second paragraph stress that "the implementation of the programme of activities for the International Decade is an integral part of the full and effective implementation of the Durban Declaration and Programme of Action and in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination as the principal international instruments for the elimination of racism."

Furthermore the Programme of Activities in its first paragraph states that: "The International Decade for People of African Descent, to be observed from 2015 to 2024, constitutes an auspicious period of history when the United Nations, Member States, civil society and all other relevant actors will join together with people of African descent and take effective measures for the implementation of the programme of activities in the spirit of recognition, justice and development"

We welcome the active use of the term "Afrophobia" by the High Commissioner for Human Rights for the first time in his address to the Working Group of Experts on People of African Descent on April 1, 2015 and on several successive occasions.

The International Youth and Student Movement for the United Nations (ISMUN) together with the World Against Racism Network (WARN) has spearheaded the promotion of the Afrophobia term in the UN Human Rights mechanisms and consider the growing acceptance of this term in the UN Human Rights system as important.

In its resolution 21/33 adopted on 28 September 2012 the Human Rights Council deplored " the special form of discrimination faced by people of African descent known as 'Afrophobia'".

The affirmation by the Human Rights Council of the term Afrophobia was in response to the recommendations of the Working Group of Experts on People of African Descent at its tenth and eleventh sessions as proposed to the Working Group by the International Youth and Student Movement for the United Nations with the support of the World Against Racism Network. In the report of the Working Group of Experts on People of African Descent from its twelfth session adopted on 26 April 2013 the Working Group stated that "The recognition by the Human Rights Council in its resolution 21/33 of the term "Afrophobia", as had been recommended by the Working Group, requires an active and systematic follow-up in order to assure the full implementation of this important assertion of the special and unique form of discrimination faced by people of African descent and assuring its equal use with analogous terms that are used to address the stigmatization and prejudice against ethnic, religious and other vulnerable groups."

We hope that the group of countries, the European Union, which has up to now objected to the introduction of the term "Afrophobia" both in negotiations on resolutions and in statements at the Council will be able to reconsider its objections. We are i.a. referring to the statement at the Human Rights Council on 27 September 2011 where the EU stated that "establishing a hierarchy of those affected by racial discrimination is not acceptable. Therefore the EU rejects the introduction of potentially harmful terminology as afrophobia". Regrettably the EU continued objecting to the Afrophobia term at the Intergovernmental Working Group on the Effective Implementation of the Durban

Declaration and Programme of Action at its thirteenth session in October 2015 and prevented the Working Group from expressing its appreciation of the active use of the Afrophobia term by the High Commissioner.

In the context of the above it should be noted that the "Afrophobia" term has gained an increased use in European countries and at the international level and also been included in government ordinances relating to work against discrimination in at least one EU country, Sweden, without "harmful" consequences. The term is for example actively used by the Swedish National Council for Crime Prevention and the Swedish Minister for Integration of the previous government commissioned the Multicultural Centre to conduct a systematic review of the current situation on afrophobia experienced by Swedes of African descent and which report was presented on February 3, 2014. The report indicated that Afrophobia, discrimination against persons of African descent, is widespread and a problem in Sweden and that the use of the Afrophobia term will hopefully help the government to better address the situation. When the newly elected Swedish Prime Minister presented his inaugural address to the parliament on October 3 2014 he included the fight against Afrophobia in his government programme. This demonstrates the importance of this form of recognition of discrimination against people of African descent. It can furthermore be noted that the European Parliament Anti-Racism and Diversity Intergroup (ARDI) composed of Members of Parliament from different parties has formed a special Working Group on Afrophobia chaired by one of its Co-Presidents. On 5 December, 2017, the High Level Group for Racism, Xenophobia and other forms of Intolerance of the European Union held its first official discussion on Afrophobia which should be an important breakthrough for the recognition of the Afrophobia term in the EU. In that context the Commissioner for Justice, Consumers and Gender Equality, Věra Jourová, stated that: "This time, the EU High Level Group is focusing on antigypsyism and afrophobia. These are two worrying trends which are still raising very serious concerns, so it's important to discuss ways to combat them." Furthermore the Coordinator of Anti-Racism and Diversity Intergroup (ARDI), Alfiaz Vaiya, pointed out that: "For the first time, the European Commission held a specific session on Afrophobia during the fourth High Level Group on Racism, Xenophobia and other forms of Intolerance on December 5th which brought relevant actors and experts who have a direct role in dealing with legislation and policies related to its work. The High Level group is important given the rise of racism, xenophobia and intolerance across the EU and Commissioner Jourová and colleagues from DG JUST should be commended for initiating it as well as for their excellent work and commitment in this field. The focus on Afrophobia is especially welcomed given the Council of Europe's Commissioner for Human Rights comment piece on Afrophobia and presentation of the EU Fundamental Rights Agency (FRA) EU MIDIS results."

It is our hope that the above mentioned developments testifying to a broad recognition of the Afrophobia term will facilitate a consensus process towards positive action at the Human Rights Council and for strengthened activities in this regard by the OHCHR.

Anti-black racism targeted against people of African descent was the first form of discrimination to be given a name when the term "Negrophobia" was introduced in the United States in the 1830-ties and used in the campaigns against slavery and for racial equality. "Negrophobia" for example predated the appearance of "anti-Semitism" term by many decades. Afrophobia is only a modernized form of the older outdated term.

In the United Nations the "negrophobia" term was first included in the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to "examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance" as adopted by the Commission on Human Rights at its fiftieth session in 1994. The "negrophobia" term disappeared in connection with the World Conference Against Racism and its early follow up for the only reason that any term including "negro" had become totally outdated and unacceptable, in particular in the English language. While the replacement of "negrophobia" with afrophobia was discussed in that connection, it did not take place and therefore deprived people of African descent the recognition it had previously had in listings of existing forms of discrimination. It is therefore a timely measure that the Human Rights Council and the Working Group of Experts on People of African Descent as well as the High Commissioner for Human Rights has taken to reintroduce this recognition of the special and unique form of discrimination that people of African descent face.

It would be appropriate and desirable that the Human Rights Council recognition of the Afrophobia term be strengthened and further developed by the Human Rights Council in a resolution at its 37th session.

The Human Rights Council should give high priority at its 37th session to implementing the Durban Declaration and Programme of Action and effectively and in good faith implementing the Programme of Activities for the International Decade for People of African Descent. The adoption by the Human Rights Council of a multiyear programme for global DDPA outreach and mobilization would be of utmost importance as it has been repeatedly requested by the General Assembly. Of great importance is that the General Assembly in its resolution 72/157 adopted on 19 December 2017 has explicitly asked the Human Rights Council to act on the matter of the multiyear outreach programme.

Recognizing and combating Afrophobia will significantly contribute to the full implementation of the important UN programmes against racism.

*The World Against Racism Network (WARN), NGO without consultative status, also shares the views expressed in this statement.



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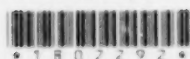
Written statement* submitted by the Women's Human Rights International Association, a non-governmental organization in special consultative status

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Request to ensure the rights and safety of the Iranian protesters

In December 2017, a series of mass protests broke out in various cities in the Islamic Republic of Iran. These peaceful protests, which persisted into January 2018, were against economic hardship and corruption and demanded freedom.

Anti-government protests were reported in at least 140 cities. They include major cities such as Tehran, Ahvaz, Arak, Hamedan, Isfahan, Karaj, Kermanshah, Mallard, Mashhad, Qazvin, Qods, Qom, Rasht, Urmia and Zahedan. In addition to large cities, many protests have been held in smaller towns.

These protests are the result of decades-long suppression of the Iranian people. The authorities have systematically imprisoned, tortured and executed their opponents.

In response to the mass protests in Iran, the government of Islamic Republic of Iran acted predictively with an extensive crackdown on its own citizens. Reliable reports suggest that upwards of 50 people were killed by the authorities which attempted to violently put down the protests. Video footage and eyewitness testimonies posted on social media show riot police and security forces using excessive force and firing at the unarmed protesters. Activists have also reported mass raids on the homes of protesters, leading to thousands of arbitrary arrests.

Officials of the Islamic Republic of Iran have confirmed that at least 3,700 protesters have been detained, whilst other reliable sources report that the number of detainees is closer to 8,000. The Islamic Republic of Iran authorities have denied many of the detainees access to their families and lawyers. Thousands of innocent protesters are now at risk of torture and death.

Unfortunately, at least 11 deaths by torture have already taken place. The authorities have acknowledged some of the deaths in custody but ridiculously claim that they had committed suicide.

Hassan Nowroozi, the spokesman for the Legal and Judicial Committee of the Iranian Parliament, said: "Deceased prisoners have died of guilty conscience. The deaths of many of these people in prison may be related to regretting their acts. They realized the ugliness of their acts, and may be that led to their suicide in prison."

On January 2, the Head of the Revolutionary Court in Tehran, Mousa Ghazanfar Abadi, warned that the Ministry of Interior had declared the protests to be illegal and that those who continued to engage in protests would face severe penalties. He threatened that the protest leaders and organizers could be charged with "enmity against God" (*moharebeh*), which is punishable by death.

Eleven protesters are reported to have been killed in custody under torture. This pattern of deaths in custody, many of which are falsely billed as 'suicides', suggests that the authorities seek to brutally eliminate opponents while evading international criticism for official acts of execution.

The crackdown on the Iranian people in these recent protests is extremely alarming as it is reminiscent of the extreme crackdown on the Iranian people during the political turmoil in Iran in the 1980s. In the summer of 1988, the Islamic Republic of Iran authorities executed more than 30,000 political prisoners in just a few months and buried their bodies in secret mass graves. Thirty years on, there has been no investigation of this crime against humanity.

We are deeply concerned about the safety of the several thousand detained protesters whose lives are at risk. Without effective international attention they too could face extra-judicial elimination.

We urge the Human Rights Council to take note of:

- The decades-long non-cooperation of the Islamic Republic of Iran on the issue of human rights

- Systematic suppression and torture used by the government of the Islamic Republic of Iran against its own people
- Systematic extrajudicial execution of political dissidents in Iran
- The continued execution of minors and juvenile offenders in Iran
- The backgrounds of the sitting officials and their involvement in the secret extrajudicial mass executions of prisoners in 1988.

We further urge the Council to take serious action for the release of the detainees of the recent mass protests. We urge the Council to use its authority to ensure non-recurrence of extrajudicial mass executions in Iran and to establish accountability in the place of impunity in Iran. We warn the Council that thousands of protesters are currently at risk of torture and execution.

Background

The government of Islamic Republic of Iran executes more people per capita each year than any other country in the world. The authorities routinely execute minors and juvenile offenders. There have been at least two confirmed hangings of juvenile offenders in Iran in the month of January 2018 alone. Public hangings, where children are allowed to attend as spectators are a common sight. When an Iranian person sees a crane, he or she is as likely to think of executions as of construction. On the other end of the spectrum, some executions are kept completely secret, and the families of those executed are left without any answers.



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Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination, the Arab Lawyers Union, the Arab
Organization for Human Rights, International-Lawyers.org,
IUS PRIMI VIRI International Association and the Union of
Arab Jurists, non-governmental organizations in special
consultative status, and International Educational
Development, Inc. and the World Peace Council, non-
governmental organizations on the roster**

The Secretary-General has received the following written statement, which is hereby
circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Born into Injustice: The Impact of Institutionalized Discrimination on Palestinian Children*

Palestinian children fall victim to a system that discriminates against them on the basis of their national belonging from the very day they are born. The discriminatory legal system reigning in the occupied West Bank, according to which Palestinians are governed by a repressive military system whilst illegal settlers are governed by domestic civil and criminal law, is reflective of Israel's larger policies. These entail strategic and institutionalized discrimination against Palestinians regardless of their residence and are intended to dominate the Palestinian people as a whole. The discriminatory application of policies to different populations within the same jurisdiction violates Palestinian children's most fundamental human rights. This statement focuses on the detrimental impact on their right to home, family life and residency; deprivation of liberty; and the right to health.

Right to Home, Family Life, and Residency

The persistent expansion of unlawful settlements and the Separation Wall, land confiscation, house demolitions and destruction of livelihood, and subsequent expulsions for the sake of Jewish settlement severely and continuously violate the rights of Palestinian children and their families. As a consequence of home evictions and demolitions, uncountable families and children are forced into displacement. A matter of grave concern is the psychological violence inflicted on Palestinian children as a consequence of such acts.

In contravention to Article 7 of the Convention on the Rights of the Child (CRC), Israel denies thousands of Palestinian children the right to a nationality and family life, rendering many of them stateless. Since the 1980s, the Israeli Interior Minister has used his vast powers of discretion under Article 12 of the Entry into Israel Regulations to deny registration of Palestinian children¹. Since Israel banned family reunification in 2003², many Palestinian children born outside the Israeli-defined municipal boundaries of Jerusalem, or with a parent without Jerusalem residency status, have received only short-term permits to stay, jeopardizing their future right to enter and reside in occupied East Jerusalem. Even children who have lost one parent are prevented from reuniting with their surviving parent in the West Bank.

The myriad of opaque and constantly changing procedures when applying for family reunification hampers the ability of Palestinian parents of securing permanent residency in Jerusalem. This results in tens of thousands of Palestinian children being unregistered, which negatively affects their access to education, health, and other social services.

As Israel controls the population registry of the entire population of Gaza, Palestinian residents are deprived of the basic right to family life and to choose where to live. Israel refuses the registration of Gaza residents who move to the West Bank, therefore defining them as "illegal residents" of the West Bank. Even if a Palestinian resident of Gaza marries a West Bank resident, is employed, resides, and has children in the West Bank, the status of "illegal resident" remains. Therefore, s/he is subject to a constant threat of expulsion.

Under the sweeping restrictions on family unification, thousands of Palestinian children are thus robbed of their right to live and grow up in a family environment with either one or both of their parents or with their siblings and live under the constant fear of separation.

¹ The Minister regularly handed out denials of child registration if the child's father is not a Jerusalem resident or if the child was born outside Israel or East Jerusalem; required proof of "center of life" in Jerusalem for child registration; or demanded the submission by parents of a request for family reunification for their children instead of simple registration.

² The Citizenship and Entry into Israel Law (Temporary Order) 5763, also known as the Ban on Family Reunification, was first passed on 31 July 2003 and has been continuously extended since. Aiming to limit the number of Palestinians within Israel proper, the law disproportionately affects Palestinian citizens of Israel wishing to be reunited with their families in Israel, who are prohibited from extending their citizenship to Palestinian spouses from occupied Palestinian territories as well as to their children.

Deprivation of Liberty

Israel's divergent legal systems and courts apply discriminatory standards of evidence and procedure to Palestinians, which implicate severe, disproportionate and often baseless penalties while Jewish Israeli perpetrators are ordinarily endowed with impunity³. Palestinian children are the first victims of this discriminatory justice system – with severe implications for their long-term development and wellbeing.

Israel has failed to establish a separate juvenile justice system to try accused Palestinian children and continues to subject them to the same arrest, interrogation, and trial and imprisonment procedures as adults, often transferring them into Israeli prisons. Israel has taken no steps to improve the treatment of child detainees. Palestinian children, sometimes as young as 8 years old, are prosecuted under the Israeli Military Court system in contradiction to international standards. On 3 August 2016, the Israeli Knesset adopted the Youth Bill, officially providing for the imprisonment of Palestinian children as young as 12 years if convicted of "terrorism" against Israeli civilians or military personnel.

In contravention to CRC, an estimated number of 500-700 Palestinian children are arrested each year (A/69/355). Palestinian children are typically detained for six to nine months on charges of stone-throwing, which is punishable by up to 20 years in prison. The recent wave of protests has been marked by a significant increase in children being subjected to Israeli military detention. Around 350 child prisoners are in detention as of 26 January 2018⁴.

Routinely arrested by Israeli soldiers in their homes in the middle of the night, children are blindfolded and hands bound, and forcibly taken to unknown destinations – Israeli prisons or West Bank settlements – for interrogations, which proceed without the presence of the child's lawyer or parents or without formal recordings. Night raids gravely affect Palestinian children, many of whom suffer from insomnia, bed-wetting, and nightmares. The transfer of Palestinian child detainees into Israel, which proceeds in 60 percent of cases, is a grave breach of international law.

Palestinian minors are ordinarily deprived of basic fair trial rights in Israel's military court system⁵ and suffer from deplorable conditions in Israeli detention facilities. Children are often held in solitary confinement, sometimes for prolonged periods, and are denied family visits. During arrest and interrogation, they are systematically subjected to physical and verbal violence and humiliation, including painful sacking and hooding; threats of death, violence, and sexual assault against themselves or family members; and denial of food and water. Many Palestinian children undergo interrogation while sleep deprived and injured, and have to sign documents written in Hebrew, a language they rarely understand. The ill-treatment of Palestinian children in the Israeli military detention system is widespread and systematic and in grave violation of international law, which protects all children against ill-treatment in the context of law enforcement, military and judicial institutions. From a sample of 520 Palestinian children detained between 2012 and 2016, 72 percent reportedly faced physical violence and 66 percent were submitted to verbal abuse and humiliation⁶.

A case in point is the recent arrest of 16-year-old Ahed Tamimi. The girl was detained in an overnight raid on her home by the Israeli army and border police on 19 December 2017. After forcing the family into one of the rooms and searching their household contents, at least 30 soldiers arrested Ahed without providing reasons. As of 26 January 2018, the girl is still in military custody, while having been transferred between different Israeli prisons. She has been indicted on 12 charges, including alleged assault, "incitement" and past instances of stone-throwing, for which she might face up to 10 years in prison.

³ Whereas the conviction rate of Palestinians amounts to almost 100 percent in Israeli military courts, complaints filed by Palestinians only results in conviction of Israeli perpetrators in 1.9 percent of cases.

⁴ <http://www.addameer.org/statistics>

⁵ The frequent and extensive use of administrative detention under Military Order No. 1591 and the Emergency Powers (Detention) of 1979 Law infringes on child detainees' rights to a fair trial. Israel violates the right to be informed promptly and in detail, in a language understandable, of the nature of the charge against them, to have adequate time and facilities for the preparation of a defense and to communicate with a counsel of the own choosing, to be tried in their presence, and to defend themselves in person or through legal assistance of their own choosing (see Arts. 4, 14 and 24).

⁶ http://www.dci-palestine.org/violations_against_palestinian_children_spike_amid_protests_over_u_s_jerusalem_move

Right to Health

In direct contravention of Article 24 of the CRC, Israel deprives Palestinian children of their right to healthcare. In the West Bank, movement restrictions severely impede Palestinian children's access to adequate medical care. At checkpoints, Israeli forces routinely refuse passage to Palestinians, including children whose lives are endangered. Palestinian children residing in Area C are extremely vulnerable to health, especially due to Israeli control over land and movement, as well as the depletion of the healthcare sector. Access to medical care and proper hygienic conditions is also jeopardized by settler and military violence in Area C. Whilst East Jerusalemite Palestinians pay taxes, their welfare system is gravely underfunded and government services inadequate. Palestinian children living in Israel, especially in "unrecognized" villages in the Negev, also have unequal access to or are deprived of basic health services. As a result, the infant mortality is considerably higher.

Israel's siege and recurrent military operations in Gaza claim the lives of uncountable Palestinian children, inflict severe and permanent physical injuries, and have highly adverse and cumulative effects on their psychological wellbeing. Yet, the health system suffocates under the blockade and attacks on and destruction of medical facilities brought the health system to its knees.

Children show high levels of stress, despair, hopelessness, and powerlessness. Moreover, a rise in domestic violence, post-traumatic stress disorders, and recurring haunting memories of experienced horrors have been documented. Physically, children suffer from blood disorders and sanitation induced diseases such as watery diarrhea and typhoid, from anemia and chronic malnutrition. However, hospitals are short on drugs and equipment and are gravely affected by electricity cuts and fuel shortages. Patients' treatment outside Gaza is rendered almost impossible due to Israel's permit system, causing the death of many children.

Conclusion and Recommendations

Palestinian children fall victim to a discriminatory system, under which fundamental rights such as a healthy upbringing in a stable home and family environment are gravely obstructed. The full enjoyment of Palestinian children of their human rights will only be possible if Israel's occupation and institutionalized discrimination is brought to an end. As immediate measures, the undersigning organizations recommend to the UN and in particular to the Human Rights Council (HRC) to compel Israel to:

- Cease all settlement and annexationist activities and refrain from demolishing Palestinian homes and property;
- Allow for the registration of every Palestinian child immediately after birth and ensure instantaneous family reunification;
- Fundamentally reform its justice system, in particular for juveniles, in compliance with international standards, notably the CRC;
- Cease all policies and practices endangering the physical and psychological wellbeing of Palestinian children and grant unfettered access to healthcare to all populations without discrimination.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.